

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

SILVERMAN & SILVERMAN, LLP,

Plaintiff,

-against-

PACIFICA FOUNDATION,

Defendant.

**MEMORANDUM AND ORDER**  
11-CV-1894 (FB) (RML)

*Appearances:*

*For the Plaintiff:*

ARTHUR Z. SCHWARTZ  
Advocates for Justice  
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New York, NY 10007

SCOTT E. KOSSOVE  
L'Abbate, Balkan, Colavita & Contin  
1050 Franklin Avenue  
Garden City, NY 11530

*For the Defendants:*

PACIFICA FOUNDATION, Pro Se

**BLOCK, Senior District Judge:**

On September 21, 2015, Magistrate Judge Robert Levy issued a Report and Recommendation (“R&R”) recommending that Plaintiff be awarded \$65,076 in damages, and prejudgment interest totaling \$29,284.20 and \$16.05 per day until the date of entry of judgment. R&R at 14. The R&R further provided that failure to object within fourteen days would preclude appellate review. *Id.* To date, no objections have been filed.

If clear notice has been given of the consequences of the failure to object, and

there are no objections, the Court may adopt the R&R without *de novo* review. *See Mario v. P & C Food Mkts., Inc.*, 313 F.3d 758, 766 (2d Cir. 2002) (“Where parties receive clear notice of the consequences, failure to timely to object to a magistrate’s report and recommendation operates as a waiver of further judicial review of the magistrate’s decision.”). The Court will excuse a failure to object and conduct *de novo* review if it appears that the magistrate judge may have committed plain error. *See Spence v. Superintendent, Great Meadow Corr. Facility*, 219 F.3d 162, 174 (2d Cir. 2000). No such error appears here. Accordingly, the Court adopts the R&R without *de novo* review and directs the Clerk of the Court to enter judgment in accordance with the R&R.

**SO ORDERED.**

/S/ Frederic Block  
FREDERIC BLOCK  
Senior United States District Judge

Brooklyn, New York  
November 12, 2015